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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,466	08/04/2000	Henry Milan	1-14402	1939

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EXAMINER

HUYNH, KIM T

ART UNIT	PAPER NUMBER
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2189

DATE MAILED: 12/01/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/632,466

Applicant(s)

MILAN ET AL.

Examiner

Kim T. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant requested for clarification filed on 11/17/03 have fully considered.

Examiner acknowledges the mismatching of the claims. Claims 1-11 were cancelled. Only claims 12-23 are examining. The following office action is a supplement office action replacing final office action (paper #7) mailed on 10/29/03.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 12, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Mizutan et al. (Pub No. :US 2003/0043771 A1)

As per claims 12, 22, Mizutan discloses wireless USB hub for providing communication between at least one remote conventional wireless peripheral device and a computer having a USB port comprising:

- a data reception circuit for receiving a wireless data signal directly from the at least one remote conventional wireless

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peripheral device;(abstract, [0014-0015]), [0077], wherein port5 connected to device as applicant's transmitter build in keyboard for transmitting/receiving information of wireless hub)

- an upstream USB port connected to the computer; and ([0116], wherein upstream to computer and downstream to device)
- a hub controller connected between said data reception circuit and said upstream USB port whereby when said upstream USB port is connected to the USB port of the computer and the at least one remote conventional wireless peripheral device generates the wireless data signal to said data reception circuit, said hub controller converts the wireless data signal to a USB data signal and passes said USB data signal to said upstream port for transmission to the computer.[116], [0077]

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 13-21, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani et al. (Pub. No.: US 2003/0043771 A1)

As per claim 13, Mizutani discloses data reception circuit further includes receiver (fig.1, 21) for receiving wireless information from at least one of the one or more remote peripheral devices. [0047]

Although Mizutani fails to disclose RF receiver for receiving wireless information. Mizutani does teach transceiver (fig.1,21)

Examiner take Official Notice that RF receiver and transceiver are well known in the art for providing a means of receiving wireless information.

It would have been obvious one having ordinary skills in the art at the time the invention was made to have RF receiver or transceiver with the same purpose of receiving wireless information.

As per claim 14, Mizutani discloses data reception circuit further includes a signal discriminator for receiving information from said receiver and presenting the peripheral device data information to hub controller. ([0047], [0020],[0014], wherein a hub and port each have a device identifier uniquely assigned)

Claims 18-19 and 23, Mizutani discloses all the limitations as above except RF receiver is a DSSS BPSK modulation receiver as claimed in claims 18 and 23 and further recited as to claim 19, a signal discriminator connected between said DSSS BPSK modulation receiver and hub controller for receiving the wireless data signal. However, Applicant

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Admitted Prior Art RF receiver is conventional DSSS BPSK modulation receiver which is well known in the art. (page 10, lines 9-10)

It would have been obvious one having ordinary skills in the art at the time the invention was made to have DSSS BPSK modulation receiver with the same purpose of modulating signals to correlated signal for communicating between devices.

As per claims 15, 20, Mizutani discloses wherein said hub controller further includes a serial interface engine connected to said signal discriminator for converting said information into USB format to form said USB data signal. [0014], ([0047], [0020],[0014], wherein a hub and port each have a device identifier uniquely assigned)

As per claim 16, Mizutani discloses the wireless USB hub further including data reception circuits each corresponding to an associated separate remote conventional wireless peripheral device, wherein each of said additional data reception circuits includes a separate RF receiver for receiving an additional wireless data signal from the associated additional remote conventional wireless peripheral device. [0015], (fig.1,23 transceiver, wherein a hub is controlling each port has a device identifier assigned to them which implies separation of data reception)

Although Mizutani discloses limitations as above showing each corresponding to a separate remote peripheral. However Mizutani fails to disclose two additional data reception circuits. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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have the additions of 2<sup>nd</sup> and 3<sup>rd</sup> circuits since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

As per claim 17, Mizutani discloses the wireless USB hub further including a serial interface engine connected to said data reception circuits for converting said information into USB format to form said USB data signals. [0014]

As per claim 21, Mizutani discloses the wireless USB hub including at least one conventional downstream USB port connected to Said hub controller for connection to a USB peripheral device. ([0116], wherein upstream to computer and downstream to device)

### ***Response to Arguments***

6. Applicant's arguments filed on 8/8/03 have been fully considered but are not persuasive

a. In response to applicant's argument that the wireless USB hub according to the present invention does not require the Mizutani et al. wireless port 5 since Applicant's wireless USB hub is not communicating with non wireless USB devices as does the Mizutani et al. wireless hub 3. the Mizutani wireless hub 3 cannot receive a wireless data signal from a conventional wireless peripheral device since it communicates utilizing a state change transmission method for transmitting USB packets. Mizutani's system does support to wireless usb; as Mizutani notes at abstract that the wireless hub performs communication with the computer by converting a USB packet routed to a device

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into a wireless signal, and a wireless signal received from a device into a USB packet. The wireless port attached to each device(not to a hub) also converts a wireless signal into a USB packet and vice versa; there is no wire between the wireless hub and port 5. The wireless port is attached to each device as it is equivalent to applicant's invention the transmitter which build within the device for transmitting/receiving information from/to device. It is clearly Mizutani's system is supporting wireless communication.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Green [USPN 6,519,290] discloses a conventional wireless system, USB hub (col.1, lines 40-59)

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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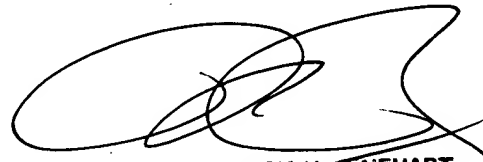
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (703)305-5384 or via e-mail addressed to [kim.huynh3@uspto.gov]. The examiner can normally be reached on M-F 8:30AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815 or via e-mail addressed to [mark.rinehart@uspto.gov]. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-5631.

Kim Huynh

Nov. 23, 2003



MARK H. RINEHART  
SUPERVISORY PATENT EXAMINER  
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